

Applicant: Gerber, Ernst
Application Serial No.: 10/088,070
Filing Date: March 8, 2002
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REMARKS

Reconsideration of the application as amended is respectfully requested.

Claims 6-9 are in the application. Claims 1-5 have been cancelled.

In the Office Action, the Examiner indicated that the previously-submitted declaration is defective on various grounds. Submitted herewith is a new executed declaration which overcomes the problems noted by the Examiner. It is respectfully submitted that the new declaration is in accord with U.S. Patent practice.

The Examiner objected to the original specification as failing to include an Abstract. Attached hereto on a separate sheet is an Abstract, and it is respectfully submitted that the objection to the specification has been overcome.

The Examiner rejected claims 1-5 under 35 U.S.C. §112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor, at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner alleged that a "tool holder for thermally shrinking tools and machine parts" is not described in the specification. In

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response, new claim 6 is directed to a “[h]eat shrink tool holder for holding a tool shank or machine part”. The term “heat shrink tool holder” is recognized in the art, as indicated by its use in U.S. Patent No. 6,260,858 B1 which was previously cited by the Examiner, and is supported by the subject specification.

The Examiner also rejected claims 1-5 under 35 U.S.C. §112, second paragraph as being allegedly indefinite for failing to particularly point out and distinctly claim subject matter which Applicant regards as the invention. The Examiner pointed to several instances of terms which allegedly lack antecedent basis and to the relative terms “low” and “firmly”. Claim 6 has been written with these issues in mind, and the terms “low” and “firmly” have been deleted. It is respectfully submitted that claims 6-9 are in accord with 35 U.S.C. §112.

The Examiner further rejected claims 1-5 under 35 U.S.C. §102(b) as being anticipated by JP 2-41807 (hereinafter “the Japanese patent”).

The Japanese patent is directed to a machine tool spindle 10 having a ceramic sleeve 11 disposed in an opening in an end thereof. The ceramic sleeve 11 includes a tapered bore for holding a tool holder. No specific configuration of an actual tool holder is shown or disclosed in the Japanese patent.

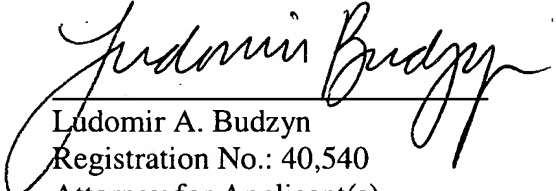
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Claim 6 is directed to a heat shrink tool holder for holding a tool shank or machine part in an axial bore which comprises "a sleeve between the bore of the holder and the tool shank or part". As mentioned above, the Japanese patent fails to show any configuration of a tool holder. As shown in certain references cited previously by the Examiner in the prosecution of the subject application (e.g., U.S. Patent No. 5,311,654 and U.S. Patent No. 6,260,858 B1), tool holders are typically formed with a tapered end portion for receipt in bearing engagement in a tapered bore in the end of a machine spindle. The ceramic sleeve disclosed in the Japanese patent is intended to be outside of a tool holder, and, in effect, is a ceramic liner for the spindle bore. There is no disclosure or suggestion in the Japanese patent to place a sleeve inside of a tool holder, as set forth in claim 6. Moreover, although the ceramic sleeve 11 may be heat shrunk into the spindle 10, there is no disclosure or suggestion in the Japanese patent to heat shrink a tool shank or machine part within the ceramic sleeve 11 with the ceramic sleeve 11 providing a holding force in its cold state to the tool shank or part. It is respectfully submitted that claim 6, along with dependent claims 7-9, are novel and non-obvious in view of the Japanese patent.

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Favorable action is earnestly solicited. If there are any questions or if additional information is required, the Examiner is respectfully requested to contact Applicant's attorney at the number listed below.

Respectfully submitted,


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